

certain as to why that occurred.

Specifically, claims 6-27 presently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Griggs (U.S. Patent No. 4,435,617) in view of Baker (U.S. Patent No. 6, 122,613). However, the Baker reference has a filing date of January 30, 1997 and an issue date of September 19, 2000. The present application claims priority through several continuation applications to a parent application filed in 1993. Thus, the Baker reference is not "prior" to the present application, and cannot properly be used as a prior art reference in a Section 103 rejection. Therefore, the outstanding 103 rejection is not valid.

With regard to the Examiner's specific characterizations of the Griggs and Baker references in that rejection, Applicant does not agree or disagree with those characterizations, and reserves the right to argue to the contrary at a later date should that become necessary.

In addition, claims 6, 13 and 22 presently stand rejected under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 5,444,615, claim 1 of U.S. Patent No. 5,815,392, and claim 1 of U.S. Patent No. 5,940,800, since, according to the Office Action, the claims of the present application, if allowed, "would improperly extend the 'right to exclude' already granted." However, the present case, along with the patents listed in the rejections, are all in the same continuation chain and all claim priority to an ultimate parent filed in 1993. Since they all claim priority to the same parent and since the patent term is 20 years from filing, the patents listed in the rejections and the present application would all necessarily expire on the same day. Thus, it is not possible for the present claims, if allowed, to improperly extend the "right to exclude" already granted in the patents. Nevertheless, Applicant is submitting herewith a Terminal Disclaimer to obviate this double-patenting

rejection. Applicant also encloses a check in the amount of \$55.00 to cover the associated small entity fee.

With regard to the Examiner's characterizations of Applicant's issued patent claims, Applicant does not agree or disagree with those characterizations.

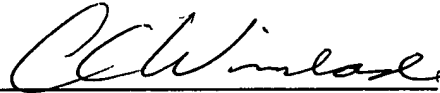
In view of the more than one year that has passed since Applicant paid the issue fee in this case, Applicant respectfully requests that the present case be allowed and passed back to publications in an expedited manner. A Supplemental Notice of Allowability is courteously solicited.

Please direct all telephone inquiries to the undersigned at (312) 707-8889.

Respectfully submitted,

Dated: February 6, 2001

By:

  
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